

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2018-401-E**

IN RE:	)	
Beulah Solar, LLC	)	
	)	
	)	<b>MOTION TO MAINTAIN</b>
	)	<b>STATUS QUO</b>
	)	
Requestor.	)	
	)	

1. Beulah Solar, LLC (hereinafter as, “Beulah Solar” or “Requestor”) is a South Carolina limited liability company whose sole business is the development of a solar photovoltaic electric generation facility in Saluda County, South Carolina. Beulah Solar is a party to that certain Interconnection Agreement, dated September 24, 2018, between South Carolina Electric & Gas Company, (hereinafter as, “SCE&G”) and Beulah Solar (hereinafter as, the “IA”).

2. The IA contains milestones for a number of payments that are to be made by Beulah Solar to SCE&G for the design and construction of facilities required to connect Beulah Solar to SCE&G’s transmission grid. The first of these milestones (as previously extended by the Commission<sup>1</sup>), is January 2, 2019, when payment in the amount of \$3,027,250 is due (“Milestone Payment #1”). As of the date of this filing, Milestone Payment #1 is not yet due and payable and other milestone payments are not yet due.

3. The IA also contains a number of detailed and complex provisions relating to SCE&G’s ability to curtail the delivery of electricity from Beulah Solar to the grid. During periods of curtailment, the project would not be permitted to put power onto the grid and would not be compensated for the energy and capacity it would otherwise be delivering to SCE&G. Project revenues will be reduced in direct proportion to the amount of curtailment. SCE&G has not published or obtained Commission approval of protocols governing how SCE&G will conduct curtailment of third-party generation resources, nor has it provided any estimates of how

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<sup>1</sup> See Directive Order No. 2018-177-H, dated November 20, 2018, in Docket 2018-362-E.

frequently it might curtail the output of Beulah Solar over the life of the project. As a result, Beulah Solar cannot reliably estimate the revenues it will receive from electricity sale and Beulah Solar has therefore found it difficult to secure financing to construct its planned facility.

4. In light of the uncertainty created by the absence of clear curtailment protocols, and the resulting inability of Beulah Solar to secure financing, it is unreasonable to require Beulah Solar to make a substantial payment under the IA.

5. A stakeholder process has recently been established to provide greater clarity and resolve potential disagreements about curtailment by SCE&G under its agreements with interconnection customers such as Beulah Solar. The stakeholder process, to be facilitated by ORS, is memorialized in a Settlement Agreement<sup>2</sup> dated November 30, 2018, between SCE&G, Dominion Energy, Inc. and SCSBA, on page 6 in paragraph (3)(B)(i), (the applicable language is incorporated herein by reference, as if set forth verbatim).

6. In light of the foregoing, and consistent with Beulah Solar's Request for Modification, Beulah Solar should not be required to make any milestone payments under the IA, unless and until SCE&G has, after completing the stakeholder process described herein, filed and obtained this Commission's approval of appropriate curtailment protocols.

7. There will be no harm to SCE&G, other parties, or the public interest by delaying Beulah Solar's milestone payments.

**WHEREFORE**, consistent with Beulah Solar’s Request for Modification filed concurrently, Beulah Solar hereby moves the Commission to maintain the status quo between Movant and SCE&G, effective as of the date of this filing and going forward, and such that no milestone payments become due and payable until thirty (30) days after the Commission has approved curtailment protocols filed by SCE&G after the conclusion of the stakeholder process described.

**[Signature Page Follows]**

<sup>2</sup> The Settlement Agreement was approved by this Commission on December 21, 2018, in Order No. 2018-804, in Docket 2017-370-E.

This 28<sup>th</sup> day of December, 2018.

Respectfully Submitted,

/s/Richard L. Whitt,

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Columbia, South Carolina